



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during February 2009**  
**DISTRIBUTED: March 12, 2009**

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*This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [Peter.J.Carney@Maine.gov](mailto:Peter.J.Carney@Maine.gov) for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>. If you are receiving this report via regular mail, but would prefer to receive an electronic version, please send an email to the above address with your contact information.*

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The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

**Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):**

*Land:*

**Mercy Health System of Maine, Portland, Maine.** Mercy Health System of Maine ("Mercy") violated provisions of Maine's *Site Location of Development* law, *Natural Resources Protection Act*, and *Erosion and Sedimentation Control* law by failing to control erosion during construction of its hospital campus in Portland. Specifically, the Department documented that at times stormwater controls were inadequate, stormwater control measures had been breached, silt-laden stormwater had discharged to wetlands and the Fore River, and some stormwater drains were installed such that untreated stormwater was discharged into a wetland rather than the facility's stormwater treatment system as set forth in the facility's design plans. Following Department involvement, Mercy undertook revegetation to prevent erosion and submitted a revised plan to reroute stormwater to the facility's stormwater treatment system. To resolve the violations, Mercy paid \$12,030 as a civil monetary penalty.

**District Court Enforcement Resolutions (party followed by location):**

*Cost Recovery:*

**State of Maine, Department of Environmental Protection v. Ronald Gamage and Jacqueline Gamage d/b/a Waterfront Market, Thomaston, Maine.** Ronald Gamage and Jacqueline Gamage d/b/a Waterfront Market ("Waterfront Market") violated provisions of Maine's *Underground Oil Storage Facilities and Ground Water Protection* law by failing to reimburse the Department for expenses it incurred and paid from the Ground Water Oil Clean-up Fund. Oil contamination was found at the Waterfront Market site following a tank removal. The Department undertook remediation of the contamination and incurred expenses in the amount of \$4,931.50. Waterfront Market failed to reimburse the Department for its expenses as required by Maine law. To resolve the violation, the Department and Waterfront Market entered into a Consent Decree and Order under which Waterfront Market will pay reimbursement in the amount of \$4,931.50, plus \$733.96 in interest.